INSIDE: SAVE THE RENT LAWS ACTION GUIDE

METROPOLITAN COUNCIL ON HOUSING
Housing for People Not Profit

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Tenant
Inquilino

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PERIODICAL

US Named One of 10 Worst Housing-Rights Violators

By Steven Wishnia

An international organization that monitors worldwide housing rights and conditions has named the United States one of the 10 countries that most consistently abused and denied people's rights to housing in the last year.

In a report released in December, the Swiss-based Centre on Housing Rights and Evictions cited the 2.3 million US residents who are homeless at some time each year, with at least 50 cities having enacted laws that effectively "criminalize homelessness."

"As the wealthiest country on earth, it is inexcusable that the US has 12 percent of its population living in poverty with millions of homeless persons," the COHRE report read.

The group also condemned the US for imposing its hardline free-market economics on the rest of the world. Many nations, it said, are "forced to drastically cut social spending due to structural adjustment policies which are often authored by or on behalf of the US. In other words, the government of the US is trying to globalize the very policies that deny housing rights domestically."

The report called the US government "the most steadfast opponent to the recognition and implementation of housing rights as human rights" in the world. The UN's 1976 International Covenant on Economic, Social, and Cultural Rights declares that adequate, affordable housing with secure tenure is a human right, but the US has not ratified it and does not recognize it.

The federal Department of Housing and Urban Development did not return phone calls requesting a response to the report.

Other countries on the 10-worst list were Burma (Myanmar), Colombia, Croatia, Guatemala, India, Israel, Nigeria, Pakistan, and Zimbabwe. Brazil, South Africa, and newly independent East Timor were lauded for progress on housing their poor.

Most of the offenders were cited for forced evictions and ethnic or sexual discrimination. COHRE estimates that more than 5 million people worldwide have been forcibly evicted from their homes over the past two years, with another six million people facing the threat of forced evictions.

Pakistan made the list for its plans to destroy 25,000 homes and evict 200,000 people to build the Lyari Expressway in Karachi; over 4,000 units have been demolished in the last year. The Nigerian government was denounced for massive evictions—including one where residents of a Lagos building were given 30 minutes notice to leave their homes—and its failure to address the exclusion of women from inheriting housing and property. Israel was lambasted for destroying over 5,000 Palestinian homes in the occupied territories, including the April 2002 bulldozing of the Jenin refugee camp. India was blasted for evicting hundreds of thousands of people a year—sometimes entire villages at a time—with police often threatening to rape women who resist losing their homes. Croatia was criticized for discriminating against Serbs whose homes were destroyed in the wars of the '90s.

In contrast, Brazil won plaudits for a law enhancing the rights of people living in the *favela* squatter slums, with the city of Sao Paulo preventing over 100 evictions last year.

"The inclusion of the United States in this year's winners draws attention to the fact that upholding

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Historic Settlement in Homeless Suit

By Jill Grossman

The Bloomberg administration on Jan. 17 withdrew its controversial proposal to remove homeless families from the shelter system for 30 days, placing their children in foster care, if they do not actively look for apartments—and an historic agreement between the city and the Legal Aid Society was born.

The agreement was one of the terms of a settlement of the longstanding *McCain* case—first filed by the Legal Aid Society against the Koch administration 20 years ago—which led to court orders requiring that the city provide housing, assistance, and services to homeless families.

In settling *McCain*, the city and Legal Aid agreed to a system that, for the next two years, will attempt to move policy debate and oversight out of the courtroom and into the hands of a panel of three Special Masters. Those masters, whom both sides agreed on, will be responsible for regular evaluation of the city homeless services system. They will make periodic reports and recommendations on the city's homeless policy to State Supreme Court Judge Helen Freedman. They also have the authority to hear legal claims, should they need to mediate disagreements between the city and Legal Aid.

"We've come up with a method where Linda [Gibbs, commissioner of the Department of Homeless Services] can run the agency, and help those who need help, assuring the public that their money is well spent," said Mayor Bloomberg an hour after Judge Freedman signed the agreement. "And if advocates don't agree [with what the city is doing], they have the panel to go to."

The goal, all parties agreed, is to cut down on litigation time while providing shelter to families.

In modifying its motion to sanction families that linger in the shelter system, the city plans to hold such families responsible by handing them the keys to an apartment that meets code requirements and is the right size for that family. If the family refuses to sign that lease, said Gibbs, "they can't return to the Emergency Assistance Unit again."

Legal Aid attorney Steve Banks did not argue. "As long as they are being referred to an apartment that meets standards… that's housing that's been lawfully provided by the city," he said. Everyone's goal, said Banks, is that "families should be kept together and that they should have a roof over their heads."

The newly appointed Special Masters were not sure how they will fulfill their oversight role. "We'll have to start figuring that out tomorrow," said Gail Nayowith, executive director of the Citizens' Committee for Children of New York, a child-welfare advocacy group. She is joined on the panel by John Feerick, former dean of Fordham University School of Law, where he now teaches. He has served on several oversight committees, including the New York State Commission on Government Integrity, and has been president of the Citizen's Union Foundation and chair of the Fund for Modern Courts.

Daniel Kronenfeld, the third member of the panel, served as executive director of Henry Street Settlement from 1985 to 2002. Before that, he helped found and direct the Settlement's Urban Family Center, the city's first transitional shelter for homeless families. He

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March 6 Rally to Protest 100,000+ Evictions Since 1997

by Kenny Schaeffer

Together with a coalition of tenants, community organizations and elected officials, Met Council is organizing a demonstration at Manhattan Housing Court, 111 Centre Street, near City Hall, on March 6 from 12-2 p.m. The rally will protest the evictions of more than 100,000 families in New York City since rent controls and tenant protections were weakened by the state Legislature and Gov. George Pataki in 1997.

Most of those units have been permanently lost as affordable housing units, due to sharp vacancy increases under the 1997 law. The City Council must act in March to renew the laws, and the state Legislature must agree on a bill by June 15.

"It is no coincidence that homelessness is at record levels in New York City when more than 20,000 families are evicted every year and the affordable housing supply is being reduced," declared Patrick Markee of the Coalition for the Homeless. "This epidemic of evictions has got to stop."

Met Council demands that rent and eviction protections be shored up from top to bottom, including permanent renewal of rent stabilization, repeal of the 1997 weakening amendments (including the 20% vacancy increases and $2,000 vacancy decontrol); full funding for civil legal services; repeal of the 1997 provision unconstitutionally removing Housing Court judges' power to stop scheduled evictions when the tenant does not already have in hand all of the rent claimed due to unemployment or delay in public assistance benefits; and repeal of the 1971 Urstadt Law which removed the city's home rule over rent regulation. The Urstadt Law makes New York City residents subjects of Republicans in Albany and gives landlords and their campaign contributors two bites at the Big Apple.

Sponsors and speakers include State Senators Paterson and Eric Schneiderman, Assemblymember Danny O'Donnell, Manhattan Borough President C. Virginia Fields, Rent Guidelines Board tenant representative Adriene Holder, City Councilmembers Bill Perkins and Gale Brewer, the Coalition for the Homeless, Larry Wood of Goddard Riverside Community Center, Ken Rosenfeld of the Northern Manhattan Improvement Corp, Benjamin Dulchin of the Fifth Avenue Committee, the Working Families Party, Ida Pollack of the Queens League of United Tenants, Bertha Lewis of ACORN, Adele Bender of JPAC, the Association of Legal Aid Attorneys (UAW 2325), and Rosamaria Delatorre of the Chelsea Housing Group. There will also be music.

To sponsor or endorse the rally, or to pick up flyers, call Met Council at (212) 979-6238, ext. 6.

Assembly Passes Rent-Regulation Bill

On Feb. 3, the Assembly passed a bill renewing the state's rent regulations until 2008. The vote was 89-57. The state Senate and Governor Pataki must also approve renewing rent regulations for them to survive past June 15.

The bill, A. 2716a, includes several provisions tenants have advocated. It ends the decontrol of vacant apartments renting for over $2,000, which is estimated to have removed rent and eviction protections from 99,000 apartments in the last 10 years. It also cuts the surcharge on vacant apartments from 20 percent to 10 percent, and extends rent and eviction protections to Mitchell-Lama developments occupied on or after January 1, 1974 and to tenants living in former federal Section 8 housing projects.

However, the bill does not repeal the Urstadt Law, which bars local governments in the state—New York City and about 50 other cities and towns have some form of rent regulation—from enacting controls stricter than the state's.

It is unlikely that the Assembly bill will avert a crisis similar to 1997, when rent regulations almost expired. That year, the Assembly renewed rent regulations intact early in the legislative session, but the Republican-dominated Senate refused to consider the issue until the last minute, when a compromise measure drastically weakening tenant protections was agreed on by Pataki, Senate Majority Leader Joseph Bruno, and Assembly Speaker Sheldon Silver.

Pataki, who in 1997 tried to position himself as pro-tenant while working to kill rent regulations slowly, made vague noises to *Newsday* about his support for renewing the laws with "minor changes." Meanwhile, several Senate Republicans criticized the Assembly for acting on rent controls before the state budget is passed.

—Steven Wishnia

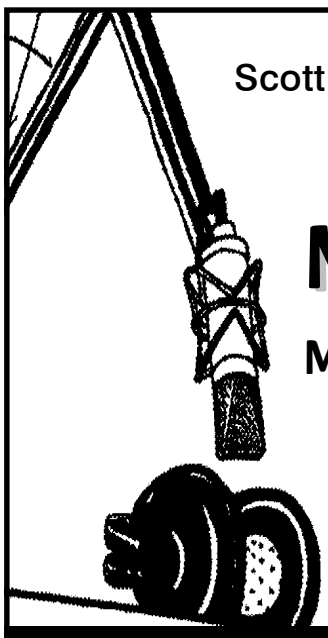
Watch Rent Wars News

the weekly tenants show that covers the news, people, and events that affect New York's tenants.

Brooklyn
Every Monday at 10:30 a.m. and 6:30 p.m.: Time Warner Channel 34 or Cablevision Channel 67

Manhattan
Every Sunday at 6 p.m.: Time Warner Ch. 67 or RCN Ch. 110. Without converter: Time Warner Ch. 16 or RCN Ch. 110

Also check out www.rentwars.com
Participate in the RWN Forum, post events, listen to interviews and specials online, and read show supplements that go deeper into the stories covered on the show.



Scott Sommer hosts Met Council's

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Mondays at 8:00 p.m. on WBAI 99.5 FM

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A Guide to Saving the Rent Laws

New York's rent-control and rent-stabilization laws cover over 1 million apartments—the homes of 2.5 million middle-, moderate, and low-income New Yorkers. These laws prevent landlords from raising rents precipitously and evicting tenants without good cause, as well as requiring owners to provide a minimum standard of services and repairs. Without the rent laws, tenants would be subject to unlimited rent increases, and would have no right to a renewal lease and no right to demand services and repairs.

While New York has, relative to other cities, a large supply of public and subsidized housing, most low-income households live in rent-stabilized apartments—and without the rent protections provided by the laws, these tenants would need public subsidies to keep a roof over their heads.

New York City does not have anywhere close to the amount of affordable housing needed by the people who live here. The city has lost close to 170,000 units of regulated housing in the last decade. Even more harmful, it has lost much of its supply of affordable units. In the last 10 years, we lost over 500,000 apartments affordable to low-income people (renting for below $500 per month). One in four of New York City renters pay more than half their income for rent every month. The loss of affordable housing has brought about a horrible but predictable result: The past year has seen a record level of homelessness, as 36,000 men, women, and children sleep in the city's shelter system every night.

The housing crisis is not getting any better. Since 9/11, the city has lost close to 100,000 jobs, and we now have an 8% unemployment rate (even higher in the Bronx and Brooklyn).

Rent Controls Part of the Solution

Rent-control laws are part of the solution to the housing crisis. By moderating rent increases, requiring basic services, and preventing unwarranted evictions, they help preserve the supply of affordable housing. Clearly much more needs to done, and we also must demand a major commitment from the city, state, and federal governments to the development of thousands of units of affordable housing. New York City could easily and immediately fill up 500,000 apartments affordable to poor and moderate income families.

What Is Expiring?

New York City's rent-control and rent-stabilization laws come up for renewal every three years in the City Council, and were last renewed in 2000. The Council must renew the rent laws by mid-March, and the mayor must sign the renewal bill by the end of March.

The state Legislature renewed the laws for six years in 1997, so the state laws must be renewed again by June this year. While the Council can renew or weaken the laws, it is prohibited by state law from strengthening them. The Legislature can renew the laws as is, weaken them, or strengthen them.

The City Council

Thanks to the convoluted history of rent controls, New York City tenants are protected by both city and state laws. The city enacted its own Rent Stabilization Law in the late 1960s. Most of the powers of that law were taken over by the state in 1974, when the Emergency Tenant Protection Act was passed after a brief and disastrous experience with vacancy decontrol. Power over the rent-control laws moved between the state, federal, and city governments after World War II. Today, the City Council must renew the Rent Stabilization Law by passing a bill, and then the mayor must sign the bill. The Council must also pass a resolution stating that a housing emergency (defined as a vacancy rate below 5%) still exists in order to continue the rent-control law.

NICOLE SCHULMAN/WWW.NICOLESCHULMAN.COM

The Council is prohibited by the state's Urstadt Law from strengthening the rent laws. But there are some things we are asking the Council to do that would strengthen tenants' rights, in addition to renewing the laws without any weakening amendments.

Repeal the Urstadt Law. Passed in 1971 as part of the Rockefeller vacancy-decontrol package, this law prevents the city from passing laws stronger than the state laws concerning rent and eviction protections. New York City tenants deserve home rule, and the Council should decide who gets regulated and who doesn't. While the Council can't repeal the Urstadt Law, it can ask the state Legislature to do so. The Council should go on record stating that it wishes to have the power over New York City's one million regulated housing units.

Under the current system, and thanks to New York State's weak campaign financing laws, real-estate lobbyists make huge contributions to upstate legislators in the state Senate, who then make sure that the laws are as pro-landlord as possible. This would not be possible if the Council controlled the laws.

Repeal the Maximum Base Rent formula. The rent-setting formula for rent-controlled tenants was established in the early 1970s, when most apartments were rent-controlled. Today the MBR formula makes no sense, and it makes apartments unaffordable for the mostly elderly tenants living in them. By allowing the landlord to raise rents by up to 7.5% per year, and by allowing separate surcharges for fuel, the formula is creating a critical hardship for the few rent-controlled tenants left. Landlords love to have these high rent increases because they pressure the tenants to move, and once vacant, these apartments are subject to huge rent increases (and most often, decontrol). The Council has the power to repeal the rent-setting measure and order the Rent Guidelines Board to set guidelines for rent-controlled apartments. (Intro 196)

In Albany

The New York State Senate and Assembly must renew the laws protecting tenants by June 15. In 1997, the Senate, controlled by Republican Majority Leader Joe Bruno, brokered weakening amendments when the Legislature renewed the laws. The leadership of the Senate is very much controlled by real-estate interests. The damage done in 1997, coupled with weakening amendments passed by the Legislature in 1993 and the City Council in 1994, has allowed the decontrol of close to 100,000 apartments in the past 10 years. Other pro-landlord changes to the laws have allowed precipitous rent increases for vacant apartments, and eased eviction protections so that thousands of tenants have lost their apartments. The laws need to be renewed without any weakening amendments and strengthened in the following ways.

√ Repeal the vacancy decontrol for apartments renting for $2,000 per month. Under current law and practice, if a landlord can get $2,000 a month for an apartment, that apartment becomes decontrolled on vacancy. Landlords are permitted a 20% vacancy allowance plus an

continued on page 5

SAVE THESE DATES

✓ **Thursday, March 6, noon-2 p.m.**
Rally outside of Manhattan Housing Court, 111 Centre St., against evictions and for stronger rent laws.
4/5/6 to Brooklyn Bridge or J/M/N/Q/R/W/Z/6 to Canal St.

✓ **Saturday, May 3**
Met Council General Assembly; workshops on the rent laws
Time and location TBA

✓ **Tuesday, May 13**
"Tenant Lobby Day." Rally and lobby for stronger rent laws in Albany. Call Met Council for bus info or see coupon page 6.

✓ **Sunday, June 1**
Rally for Stronger Rent Laws in Union Square
N/Q/R/W/4/5/6 to Union Square.

✓ **EVERY Wednesday from 6:00–8:30 p.m.**
Volunteer nights at the office of the Metropolitan Council on Housing, 339 Lafayette St., Room 301, Buzzer #5 (Our space is a two-flight walkup.)

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viene de la página 3

Rescatando las leyes de alquileres: Una guía

Traducido por Lightning Translations

Las leyes para control y estabilización del alquiler cubren más de 1 millón de apartamentos—hogares de 2.5 millones de neoyorquinos de ingresos moderados y bajos. Estas leyes evitan que los caseros de repente eleven las rentas a niveles exorbitantes y que los inquilinos sean desalojados injustificadamente, a la vez que exigen que los propietarios proporcionen un mínimo de servicios y reparaciones. Sin las leyes de alquiler, los inquilinos estarían sujetos a incrementos ilimitados en el alquiler, y no tendrían derecho a una renovación del contrato de alquiler ni a demandar servicios y reparaciones.

NICOLE SCHULMAN

Mientras Nueva York tiene, en comparación con otras ciudades, una gran provisión de vivienda pública y subsidiada, la mayoría de las familias de bajos ingresos viven en apartamentos de renta estabilizada. Sin las protecciones de alquiler que brindan las leyes, estos inquilinos necesitarían subsidios públicos para seguir viviendo bajo un techo.

La ciudad de Nueva York no tiene una cantidad suficiente de viviendas para la gente que vive ahí. La ciudad ha perdido cerca de 170,000 viviendas de alquiler reglamentado en los últimos diez años. Lo que es peor, ha perdido la mayor parte de su provisión de viviendas asequibles. En los últimos diez años, hemos perdido más de 500,000 apartamentos asequibles para las personas de bajos ingresos (rentas menores a $500 al mes.) Una de cada cuatro personas que alquilan vivienda pagan más de la mitad de sus ingresos en renta mensualmente. La pérdida de vivienda asequible ha dado como consecuencia un resultado horrible pero predecible: El año pasado se dio un nivel récord en el número de desamparados ya que cada noche, 36,000 hombres, mujeres y niños duermen en los refugios de la ciudad.

La crisis de vivienda no está mejorando. Desde 9/11, la ciudad ha perdido cerca de 100,000 empleos y tenemos ahora una tasa de desempleo del 8% (aun mayor en el Bronx y Brooklyn.)

Regulación de rentas: parte de la solución

Las leyes de renta regulada forman parte de la solución de la crisis de vivienda. Al moderar los incrementos de alquiler, exigir servicios básicos y prevenir desalojos injustificados, las leyes ayudan a conservar la provisión de viviendas asequibles. Evidentemente, se necesita hacer mucho más y debemos demandar un mayor compromiso de los gobiernos de la ciudad, estatal y federal para la creación de miles de viviendas asequibles. Si la ciudad de Nueva York tuviera 500,000 nuevos apartamentos asequibles, ellos todavía no serían suficientes para las familias de moderados o escasos recursos en la ciudad de Nueva York.

¿Qué se vencerá?

Las leyes para control y estabilización de renta de la ciudad de Nueva York se renuevan cada tres años en el Concejo de la Ciudad; la última renovación fue en 2000. El Concejo tiene que renovar las leyes de alquiler para mediados de marzo y el alcalde tiene que firmar la ley de renovación para fines de ese mes.

La Legislatura Estatal renovó las leyes por seis años en 1997, por lo tanto las leyes tienen que renovarse otra vez en junio de este año. Mientras el Concejo puede renovar o debilitar las leyes, la ley estatal prohibe que el Concejo las refuerce. La Legislatura puede renovar las leyes tal y como están, debilitarlas o reforzarlas.

El Concejo de la Ciudad

Gracias a la historia laberíntica de las regulaciones de rentas, los inquilinos en la ciudad de Nueva York están protegidos tanto por las leyes de la ciudad como por las leyes estatales. La ciudad promulgó su propia ley de estabilización de rentas a fines de la década de los 60. El estado se encargó de la mayor parte de las estipulaciones de esa ley en 1974, al aprobarse la Ley de Protección de Emergencia a los Inquilinos después de una breve y desastrosa experiencia con la desregulación de apartamentos vacantes. La autoridad sobre las leyes de control de rentas se transfirió continuamente entre los gobiernos metropolitano, estatal y federal después de la Segunda Guerra Mundial. Hoy, el Concejo de la Ciudad tiene que renovar la Ley de Estabilización de Rentas aprobando un proyecto de ley y después el alcalde tiene que firmarlo. El Concejo también tiene que aprobar una resolución declarando que una emergencia de vivienda (la cual se define como una tasa de viviendas vacantes debajo del 5 por ciento) sigue existiendo para que continúe la ley de control de rentas.

El Concejo tiene prohibido por la ley estatal Urstadt reforzar las leyes de rentas. Sin embargo, hay algunas cosas que estamos pidiendo al Concejo que haga para reforzar los derechos de los inquilinos, además de seguir los pasos necesarios para renovar las leyes sin modificaciones debilitantes.

Pedir la revocación de la ley Urstadt. Aprobada en 1971 como parte del plan Rockefeller para la desregulación de rentas en apartamentos vacantes, esta ley impide que la ciudad apruebe leyes más estrictas que las leyes estatales que tratan de la protección en torno a las rentas y los desalojos. Los inquilinos en la ciudad de Nueva York se merecen autonomía, y el Concejo deberá decidir qué viviendas serán reglamentadas. Mientras el Concejo no pueda revocar la ley Urstadt, puede pedir a la Legislatura Estatal que lo haga. El Concejo debe dejar constancia de que desea administrar el millón de viviendas reglamentadas de la ciudad de Nueva York.

Bajo el sistema actual y gracias a las débiles leyes sobre el financiamiento de campañas electorales del estado de Nueva York, los grupos de interés de bienes raíces realizan grandes contribuciones para los legisladores del norte del estado en el Senado estatal, quienes entonces se esfuerzan para que las leyes beneficien a los caseros tanto como sea posible. Esto no podría hacerse si el Concejo controlara las leyes.

Revocar la fórmula de la Renta Base Máxima (MBR por sus siglas en inglés). La fórmula que establece las rentas para los inquilinos que pagan renta controlada se estableció a principios de la década de los 70s, cuando la mayoría de los apartamentos eran de renta controlada. Hoy la fórmula MBR no tiene sentido y causa que los apartamentos no estén al alcance del bolsillo para la mayoría de los inquilinos de mayor edad que viven en ellos. Al permitir que el casero eleve las rentas hasta un 7.5 por ciento y al permitir cargos separados por combustible, la fórmula está poniendo en graves apuros a los pocos inquilinos que todavía tienen la renta controlada. A los caseros les encanta tener estos altos incrementos en la renta porque así presionan a los inquilinos para que se muden: una vez que el apartamento quede desocupado, el casero puede cobrar rentas mucho más altas (y en la mayoría de los casos, poner los apartamentos fuera de las regulaciones de renta). El Concejo tiene el poder de revocar la medida para fijar la renta y ordenar que la Junta de Regulación de Renta establezca directrices para los apartamentos de renta controlada. (Intro 196)

En Albany

El Senado y la Asamblea Estatal tienen que renovar las leyes que protegen a los inquilinos antes del 15 de junio. En 1997 el Senado, controlado por el líder de la mayoría republicana, Joe Bruno, tramitó modificaciones debilitantes cuando la legislatura renovó las leyes. El liderazgo del senado está bastante controlado por los intereses de bienes raíces. El daño que se hizo en 1997, aunado a las modificaciones debilitantes aprobadas por la legislatura en 1993 y por el Concejo de la Ciudad en 1994, ha permitido la desregulación de cerca de 100,000 apartamentos en los últimos diez años. Otros cambios a las leyes que benefician a los caseros han permitido incrementos exorbitantes en la renta de apartamentos desocupados y han reducido las protecciones contra el desalojo, causando que miles de inquilinos perdieran sus apartamentos. Es preciso que las leyes se renueven sin modificaciones debilitantes y se refuercen en los siguientes puntos.

√ Revocar la desregulación de apartamentos desocupados que se alquilen a $2,000 al mes. Bajo la ley y práctica actual, si un casero puede cobrar $2,000 al mes por un apartamento, ese apartamento se desreglamenta al desocuparse. Se permite a los caseros una sobrecarga de 20 por ciento en los apartamentos más un incremento igual a un 1/40 del costo de todas las mejoras. Usando este método además de varios medios ilegales, es muy posible que los caseros puedan declarar que la nueva renta superará los $2,000, aun si el apartamento en realidad se alquilará al nuevo inquilino por una cantidad menor. Es este cambio lo que ha permitido la desregulación de cerca de 100,000 apartamentos en los últimos diez años. Además, el casero puede desreglamentar de inmediato un apartamento si la familia que lo habita gana $175,000 y paga $2,000 o más al mes. Si no se revocan, estas estipulaciones significarán la pérdida de la mayoría de los apartamentos con renta estabilizada y renta controlada en la próxima década.

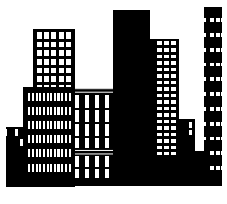
√ Revocar la sobrecarga del 20 por ciento de apartamentos desocupados.

√ Extender las protecciones para estabilización de renta a los apartamentos que pertenecían a la sección 8 y a los edificios previamente en el programa Mitchell-Lama que hayan sido construidos después de 1973.

√ Devolver a los jueces la discreción en los casos de desalojo.

√ Extender a los discapacitados el programa de Exención a los Aumentos de Renta para Ancianos.

√ Revocar la ley Urstadt.



Saving the Rent Laws: What You Can Do

√ Write, phone, or e-mail all your elected officials. Use the sample letter on page 6, or write in your own words.

√ Sponsor a meeting in your building or association on the rent laws. Call Met Council for a speaker and materials. Get your fellow tenants to write letters, make calls, or send e-mails.

√ Visit your elected officials. Make an appointment with your state representatives and go with your neighbors. Call Met Council if you would like help with this. During the visit, tell your elected officials of your concern for the future of the rent laws. Describe briefly how you benefit. Ask what he or she is doing to ensure that the rent laws are strengthened and renewed.

√ Volunteer and make a donation. Every Wednesday night at Met Council, volunteers will be gathering to make phone calls and work on mailings.

√ Complete the coupon on the back to join us. If you'd rather volunteer with another tenant group closer to home, call us and we will try to match you up with a group that is working on the rent laws.

The City Council

In the City Council, the rent laws get renewed by an intro, or bill, passed by the Council and signed by the mayor. In addition, there must be a resolution to renew rent control. This does not need the mayor's signature. The intro and resolution will go to the Council's Committee on Housing and Buildings. The committee will hold a hearing, vote on the bills, and then the full Council will vote on the bill and resolution.

√ Write, call or e-mail Mayor Bloomberg, Council Speaker Gifford Miller, and your own Councilmember. See sample letter on page 6.

√ If you are a rent-controlled tenant, say so in your communications and ask that the Council pass Intro 196 to repeal the Maximum Base Rent formula.

√ Attend the City Council hearing on the bills. The Council needs to see that tenants care about the rent laws. In 1994, the Council, under the leadership of former Speaker Peter Vallone, weakened the rent laws. This won't happen again if tenants lobby their Councilmembers and let them know that this is a vitally important issue.

In Albany

Both houses of the state Legislature, the Assembly and the state Senate, must pass the same version of bills which renew the rent laws for tenants in New York City and the surrounding counties. Other laws that protect tenants in coops and condos must also be renewed.

The Assembly passed A.2716a, a bill to renew the rent laws, on Monday, February 3. The Senate must pass a matching bill. Then Governor Pataki must sign it into law.

In 1997, the laws were severely weakened, thanks to a successful lobbying effort on the part of the real-estate industry. The Senate, led by Joe Bruno, and Governor Pataki talked openly about ridding the state of the rent laws. This must not happen in 2003. We are also pushing for the removal of the $2,000 vacancy decontrol provision and the repeal of the Urstadt Law.

√ Write, call, visit or e-mail your Assemblymember and your state Senator. Tell them how much the rent laws mean to your life.

√ Write, call or e-mail Governor Pataki, Assembly Speaker Sheldon Silver, and Senate Majority Leader Joe Bruno.

SAVE THE DATE

NYC Tenants To Invade Albany!

Tuesday, May 13, all day

On this day, rent-regulated tenants and their allies will rally and lobby in Albany at the state legislature for stronger rent laws. The rent laws expire June 15 of this year.

We MUST make a strong showing in order to be taken seriously. The stakes are high! Plan to be there and spread the word!

For more information, contact Dave at (212) 979-6238 ext. 6 or see coupon next page.

Guide

continued from page 3

increase equal to 1/40th the cost of any improvements. Using this method and various illegal means, landlords can easily claim that the new rent would be over $2,000, even if the apartment will actually rent to the new tenant for less. This change has allowed the decontrol of close to 100,000 apartments in the last 10 years. In addition, the landlord can immediately decontrol an apartment if the household in place is earning $175,000 and paying $2,000 or more per month. If not repealed, these provisions will lead to the loss of most of the rent-stabilized and rent-controlled stock in the next decade.

√ Repeal the 20% vacancy allowance.

√ Expand rent-stabilization protections to former Section 8 apartments and former Mitchell-Lama buildings that were built after 1973.

√ Give discretion back to judges in eviction cases.

√ Extend the Senior Citizen Rent Increase Exemption program to the disabled.

√ Repeal the Urstadt Law.

Save the Rent Laws Sample Letters
Three Easy Things You Can Do

1. Send a letter to the Governor, your Assemblymember and state Senator, and your City Councilmember. (To find out who your elected officials are, contact League of Women Voters at (212) 725-3541 or see www.lwvnyc.org) Also, send a copy to Met Council.

2. Write this letter on your own paper. *Add your own comments—describe your own situation, or changes in your neighborhood—to bolster the argument in favor of the rent laws.* Add your address, and be sure to sign the letter.

3. Get your neighbors to write letters.

Your Councilmember
City Council, City Hall
New York, NY 10007

Dear *Councilmember*:

I am a rent-regulated tenant and I am very concerned about the renewal of the rent laws in March of 2003. I want you to do everything you can to renew the laws without any weakening amendments. I am also asking that you pass a resolution so that we can have home rule on our rent laws. *(If you are a rent-controlled tenant, write about the unfair and burdensome MBR rent increases, and ask that the Council pass Intro 196.)*

Very little affordable housing is being built in New York City. Rent-regulated housing is the largest source of affordable apartments for low-, middle- and moderate-income New Yorkers. We need to strengthen our rent laws and cannot afford to lose any more rent-regulated apartments.

Please write to me and let me know your plans for the renewal of the rent laws.

Sincerely,

Sign your name, address
(optional phone number)

Your Senator/Assemblymember
Legislative Office Building
Albany NY, 12247 (Senate), 12248 (Assembly)

Dear *Senator/Assemblymember*:

I am a tenant and am very concerned about the expiration of the rent laws in June of 2003.

I want you to do everything you can to renew the laws without any weakening amendments. In addition, I want you to work for the repeal of the very damaging amendments that were passed by the state legislature in 1997 and 1993. Most important, we need to abolish the $2,000 vacancy decontrol, which has taken more than 99,000 apartments out of regulation in less than 10 years.

Very little affordable housing is being built in New York City. Rent-regulated housing is the largest source of affordable apartments for low-, middle- and moderate-income New Yorkers. We need to strengthen our rent laws and cannot afford to lose any more rent-regulated apartments.

I would appreciate a reply to this letter with an explanation of how you plan to help tenants and renew the rent laws.

Sincerely,

Sign your name, address
(optional phone number)

George E. Pataki
Governor of New York
Executive Chamber, State Capitol
Albany, NY 12224

Dear Governor Pataki:

I am a tenant in New York City and am very concerned about the expiration of the rent laws in June 2003.

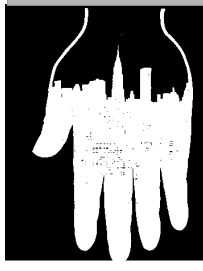
I want you to do everything you can to renew the laws without any weakening amendments. Just as important, I want you to strengthen our rent laws by abolishing the $2,000 vacancy decontrol. As our governor, it is your responsibility to save our rental protections from further destruction.

Very little affordable housing is being built in New York City. Rent-regulated housing is the largest source of affordable apartments for low-, middle- and moderate-income New Yorkers. We need to strengthen our rent laws and cannot afford to lose any more rent-regulated apartments.

Please write to me and let me know your plans for the renewal of the rent laws.

Sincerely,

Sign your name, address
(optional phone number)



Sign Me Up to Save the Rent Laws

..... clip and mail .....

Tenant Lobby Day in Albany
Get On the Bus May 13

❑ Yes, I want to join Met Council and thousands of my fellow tenants in Albany on May 13. Bus fares are $20 each. Enclosed is a check for $___ for ___ seats.

❑ I cannot go, but wish to make a donation so others can go in my place $___.

❑ I would like to go but cannot afford the full cost of a seat. Here's $___ to reserve my seat.

Name: _____
Address: _____
E-mail: _____
Phone(s): _____ (day) _____ (eve)

Please make checks payable to Met Council, Inc. and return this coupon to: 339 Lafayette Street, NYC 10012.

..... clip and mail .....

✔ Yes, I want to help Met Council fight back the real-estate lobby and defend the rent laws in 2003.

Name: _____
Address: _____
E-mail: _____
Phone(s): _____ (day) _____ (eve)

Contact me about:
❑ Organizing a meeting in my building or community group
❑ Participating in a lobbying meeting with my elected officials
❑ Attending rallies and demonstrations
❑ Volunteering in Met Council's office
❑ Tabling or handing out flyers in my neighborhood

❑ Enclosed is a contribution of __$15 __$25 __$40 __$100 __$250 ___$

Contributions are not tax-deductible because they support legislative activity to maintain the rent laws.

Return to:
Metropolitan Council on Housing, 339 Lafayette Street, New York, NY 10012
Phone: (212) 979-6238; Fax: (212) 979-6997; www.metcouncil.net

City Panel Approves Houston Street High-Rise;

Lower East Side Activists to Challenge Decision

By Susan Howard

On December 10, the city Board of Standards and Appeals (BSA), reapproved zoning variances sought to construct a 23-story residential tower at East Houston and Ludlow streets, despite substantial evidence showing the developer, Edison Parking, did not meet the BSA's requirements for approval. This was the second time the BSA approved Edison Parking's application.

The Lower Manhattan Anti-Displacement Coalition, or LMADC, a coalition of 10 community organizations that includes Met Council, didn't expect anything less from the board. A mayoral agency that waives zoning regulations and building codes for developers, the BSA has rarely denied a developer's application for variances in order to increase profit margins. Developers claiming "hardship" don't have to comply with regulations governing height, density, or use of their property, or even provide open space or parking for new tenants.

LMADC, represented by the newly formed Legal Services of New York, Manhattan, will file an Article 78 proceeding to appeal the BSA's decision. The coalition contends that the impact of high-rise luxury housing in low-income communities can be severe, resulting in rampant displacement, rent-gouging, and overburdened public resources.

Earlier in 2002, LMADC won a precedent-setting court decision that vacated the BSA's prior approval of the project and remanded the matter back to the board to reconsider its environmental impacts. The court order required the BSA to take a "hard look" at the effect the project would have on the surrounding community, including the existence of 12 abandoned underground gasoline tanks on its 215 East Houston St. site and the impact the tower would have on the Lower East Side Historic District.

Shortly thereafter, Edison Parking submitted two studies that concluded the project would have no impact, and the BSA moved quickly to reapprove it. The BSA did not even appear to review information submitted in opposition to the project by Rep. Nydia Velazquez, City Councilmember Alan Gerson, Community Board 3, the Municipal Arts Society, and the Historic Districts Council.

LMADC members submitted construction notes and plans for the site, attached to the deed, that showed Edison Parking could build successfully, without variances, an eight-story loft building on the entire site, but the BSA did not acknowledge the new information. A local developer also submitted analysis that showed construction estimates by the developer had been inflated to show "hardship" where none existed.

From the East River to the Hudson, the Board of Standards and Appeals has been approving luxury high-rises at an increasing rate, threatening to displace whole communities and destroying the character of the city's neighborhoods. With rents at the proposed tower starting at $1,900 for studio apartments, and topping out at $5,000 a month for premium views, the move to cash in on the city's housing crisis is on the rise.

"We must fight just to remain in our communities," said LMADC member Kevin Hsi, from National Mobilization Against Sweatshops. "Who do we claim 'hardship' to?"

Violators

continued from page 1

housing rights is not just a question of wealth, but a question of political will," COHRE director Scott Leckie said in a statement. "Many of the other nine winners, most of which are developing countries, are guilty of widespread forced evictions, destroying homes and leaving thousands of their own citizens homeless. In such cases these are the result of wrong political decisions, and not a lack of money. All housing rights violations are avoidable—even in the poorest of countries, let alone the richest."

Homeless

continued from page 1

currently serves on the board of the Settlement Housing Fund, Citizens' Committee for Children and other groups.

The panelists have been working with Legal Aid and Bloomberg administration officials since Thanksgiving on the negotiations—which ended with the settlement.

While the settlement only applies to homeless families, advocates for homeless single adults hope it is a good sign for their clients. In October, the Bloomberg administration asked the court for permission to sanction homeless adults by removing them from the shelter system for a month if they fail to seek permanent housing. The state court of appeals is expected to hear that case, called *Callahan*, in mid-February.

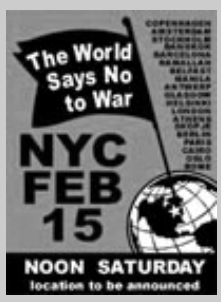
"We're very pleased with today's settlement," said Patrick Markee of the Coalition for the Homeless, the plaintiffs in the *Callahan* case. "I am hopeful that with a new beginning there will be room to discuss issues with regard to homeless adults."

Reprinted with permission from City Limits Weekly.

No War on Iraq

Met Council endorses the international "World Says No to War" march and rally

On February 15th at 12 noon, near the UN, peace, labor and community groups will rally against the Bush administration's call to war against Iraq. Join Danny Glover, Pete Seeger, Archbishop Desmond Tutu, Angela Davis, and thousands of New Yorkers in calling for peace.



Met Council will be part of a "housing and green space" contingent within the march. We will also be leafleting to make our fellow New Yorkers aware of the pending threat to our rent laws. If you can help us leaflet or would like to march with us, we will be meeting at the southwest corner of 45th St. and 3rd Ave., between 11:30 a.m. and 12 noon. For more information on the housing/green space contingent, call (212) 979-6238 ext. 6 or active@metcouncil.net.

The exact location of the march was not confirmed as we went to press: the city is giving the organizers a hard time about granting a permit. The issue is expected to be resolved soon. For more information and the latest updates, contact: United for Peace & Justice at (646) 473-8935 or feb15@unitedforpeace.org; or see www.unitedforpeace.org.

No se quede helado: ¡ORGANIZESE!

La ley requiere que su casero proporciona calefacción y agua caliente a las temperaturas siguientes, desde el 1ro de octubre hasta el 31 de mayo:

Desde las 6 a.m. hasta las 10 p.m.: Si la temperatura afuera es de menos de 55 grados, la temperatura dentro debe ser al menos de 68 grados en todo el apartamento.

Desde las 10 p.m. hasta las 6 a.m.: Si la temperatura afuera es de menos de 40 grados, la temperatura dentro debe ser al menos de 55 grados en todo el apartamento.

Se tiene que proporcionar agua caliente a un mínimo de 120 grados en el grifo las 24 horas del día, todo el año.

Si su casero no mantiene estas temperaturas mínimas, usted debe:

- Comenzar una "Acción HP" (HP Action) en la Corte de Vivienda. Pida una inspección por orden de la corte y una Orden de Corrección (Order to Correct)
- Llamar al Buro Central de Quejas (Central Control Bureau) de la ciudad de Nueva York al (212) 824-4328 inmediatamente, para documentar la violación del casero. Llame repetidamente. Se supone que un inspector vendrá eventualmente, aunque a veces no lo haga.
- Exhortar a los otros inquilinos en el edificio a llamar al Central Complaint. Todos deben llamar repetidamente, al menos una vez al día, todos los días en que tenga problemas con la calefacción.
- Comprar un buen termómetro para afuera y adentro, para documentar las fechas exactas, las horas, y las temperaturas, tanto afuera como adentro, mientras tenga problemas con la calefacción. Esta documentación es su evidencia
- Llamar a la División de Vivienda y Renovación Comunal del Estado de Nueva York (DHCR, por sus siglas en ingles) al (718) 739-6400, y pedir que le envíen el formulario de Queja de Calefacción y Agua Caliente. Llene el formulario y consigue la participación de todos los inquilinos en su edificio que pueden firmarlo. Reclame una orden para restaurar la calefacción y el agua caliente, y que se reduzcan y congelen (¡disculpe lo de "congelen"!) todas las rentas.
- Necesitarán una fuerte asociación de inquilinos para obligar al casero a proporcionar la calefacción y el agua caliente. Escriban y llamen al casero para demandar las reparaciones y aceite. Prepárense para una huelga de renta (sobre todo con asesoría legal)—de relámpago si es necesario.

Las leyes sobre la calefacción establecen también:

- Que el Departamento de Reparaciones de Emergencia de la ciudad le proporcione la calefacción si el casero no lo hace. (No se siente en un bloque de hielo—otra vez, ¡disculpe!—mientras espere que lo haga.)
- Una multa de $250 al casero por cada día que se produzca la violación. (Pero la verdad es que la Corte de Vivienda raras veces impone las multas, y mucho menos las cobra).
- Una multa de $1,000 al casero si algún aparato de control automático se instala en la caldera para mantener la temperatura por debajo del mínimo legal.
- Si el tanque de combustible de la caldera está vacío, los inquilinos tienen el derecho de comprar su propio combustible después de haber pasado 24 horas sin calefacción y también sin obtener ninguna respuesta del casero. Esto no se aplica si la caldera está rota y necesita tanto reparación como combustible.

¡Cuidado! ¡proteja su dinero! Si los inquilinos deciden comprar el combustible, hay que seguir los procedimientos legales cuidadosamente. Consiga la ayuda y el consejo de un organizador de inquilinos. La existencia de leyes de calefacción y agua caliente vigentes no garantiza que el gobierno las implemente. No se quede helado por esperar que la ciudad o el estado actúe. ¡Organízese!

Don't Freeze — Organize!

The law requires your landlord provide heat and hot water at the following levels from October 1 through May 31:

From 6 am to 10 pm: If the outside temperature falls below 55 degrees, the inside temperature must be at least 68 degrees everywhere in your apartment.

From 10 pm to 6 am: If the outside temperature falls below 40 degrees, the inside temperature must be at least 55 degrees everywhere in your apartment.

Hot water at a minimum 120 degrees at the tap must be provided 24 hours a day, year round.

If your landlord does not maintain those minimum temperatures, you should:

- Start an "HP action" in Housing Court. Ask for a court-ordered inspection and an Order to Correct.
- Call the New York City Central Complaints Bureau at (212) 824-4328 immediately to record the landlord's violation. Call repeatedly. An inspector should eventually come, although sometimes they don't.
- Get other tenants in your building to call Central Complaint. Everybody should call repeatedly, at least once every day the condition is not corrected.
- Buy a good indoor/outdoor thermometer and keep a chart of the exact dates, times, and temperature readings, inside and out, so long as the condition is not corrected. The chart is your evidence.
- Call the New York State Division of Housing and Community Renewal at (718) 739-6400 and ask them to send you their Heat and Hot Water complaint form. Get as many other apartments as possible in your building to sign on, demanding an order restoring heat and hot water, and a reduction and freeze (pardon the expression!) in all the rents.

You'll need a strong tenant association to force the landlord to provide heat and hot water. Write and call the landlord and demand repairs or fuel.

Prepare to go on rent strike — but get legal advice first.

The heat laws also provide for:

- The city's Emergency Repair Department to supply your heat if the landlord does not. (Try waiting for this one!)
- A $250 a day fine to the landlord for every day of violation. (But the Housing Court rarely imposes these fines, let alone collects them.)
- A $1,000 fine to the landlord if an automatic control device is put on the boiler to keep the temperature below the lawful minimum.

If your boiler's fuel tank is empty, tenants have the right to buy their own fuel after 24 hours of no heat and no response from the landlord. But this provision does not apply if the boiler is broken and needs both repairs and fuel.

Caution! Protect your money! If you decide to buy fuel, you must follow special lawful procedures very carefully. You should get help and advice from a tenant organizer.

Because the heat and hot water laws are in the law books does not mean they are enforced by government. Don't freeze to death waiting for the city or state to act. Organize!

Missed an issue of TENANT?

Check us out on the Web:

www.metcouncil.net

West Village Mitchell-Lama Tenants Sue Landlord

On January 13, the West Village Houses Tenants' Association filed a class-action lawsuit against the owners of West Village Houses in State Supreme Court, seeking a declaration that if the landlord leaves the Mitchell-Lama program, the tenants will be protected by rent stabilization.

The Tenants' Association is also seeking a preliminary injunction barring the landlord from leaving Mitchell-Lama until the issue of rent-stabilization coverage is resolved. The case has been assigned to Acting Supreme Court Justice Shirley Werner Kornreich.

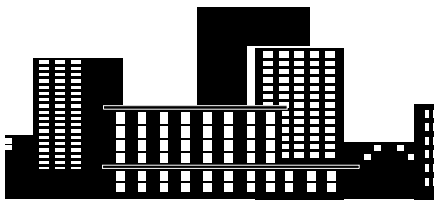
Insignia, the owners of West Village Houses, have announced their intention to pay off their Mitchell-Lama mortgage and remove the apartments from the program. Representatives of Insignia have claimed that West Village Houses is not protected by rent stabilization, and that they plan to increase rents to market rates, approximately triple what tenants now pay.

The Emergency Tenant Protection Act of 1974 provides that otherwise unregulated apartments completed before 1974 are subject to rent stabilization. The Tenants' Association has substantial evidence that the West Village Houses buildings were completed prior to January 1, 1974, although they were not occupied until later. Tenant attorney Jack Rose says this case has substantial merit.

Tenants' Association leaders expect that Insignia's proposed buyout plan will be delayed until this lawsuit is resolved, or until Insignia agrees to a settlement that is acceptable to the tenants of West Village Houses. All Mitchell-Lama regulations, including lease renewals, remain in effect as long as the buyout is pending.

Reprinted with permission from Down By The Riverside, the newsletter of the West Village Houses Tenants' Association. Any West Village Houses tenants who are denied a Mitchell-Lama lease renewal in the coming months should contact the Tenants' Association at (212) 886-4598.

—Will Creed



WHERE TO GO FOR HELP

LOWER EAST SIDE BRANCH at
Cooper Square Committee
61 E. 4th St. (btwn. 2nd Ave. & Bowery)
Tuesdays ..... 6:30 pm

CHELSEA COALITION ON HOUSING
Covers 14th St. to 30th St., 5th Ave. to the Hudson River.
322 W. 17th St. (basement), CH3-0544
Thursdays ..... 7:30 pm

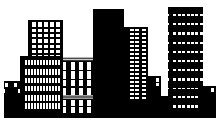
GOLES (Good Old Lower East Side)
525 E. 6th St. (btwn. Aves. A & B) Lower East Side tenants only, 212-533-2541.

HOUSING COMMITTEE OF RENA
Covers 135th St. to 165th St. from Riverside Dr. to St. Nicholas Ave.,
544 W. 157th St. (basement entrance).
Thursdays ..... 8 pm

LOWER MANHATTAN LOFT TENANTS
St. Margaret's House, Pearl & Fulton Sts., 212-539-3538
Wednesdays ..... 6 pm-7 pm

VILLAGE INDEPENDENT DEMOCRATS
26 Perry St. (basement), 212-741-2994
Wednesdays ..... 6 pm

WEST SIDE TENANTS UNION
200 W. 72nd St. Room 63; 212-595-1274
Tuesday & Thursday ..... 2-5 pm
Tuesday & Wednesday 6-7:45 pm



METROPOLITAN COUNCIL ON HOUSING

Met Council is a citywide tenant union.

Our phones are open to the public Mondays, Wednesdays & Fridays from 1:30 to 5 p.m.

We can briefly answer your questions, help you with organizing or refer you to other help.

212-979-0611

Join Met Council

Membership: Individual, $25 per year; Low-income, $15 per year; family (voluntary: 2 sharing an apartment), $30 per year. Supporting, $40 per year. Sustaining, min. of $100 per year (indicate amount of pledge). For affiliation of community or tenant organizations, large buildings, trade unions, etc. call 212-979-6238.

My apartment is ❑ controlled ❑ stabilized ❑ unregulated ❑ other_____

❑ I am interested in volunteering my time to Met Council. Please call me to schedule times and duties. I can ❑ counsel tenants, ❑ do office work, ❑ lobby public officials, ❑ attend rallies/protests.

Name

Address Apt. No.

City State Zip

Home Phone Number Email

Send your check or money order with this form to:
Metropolitan Council on Housing, 339 Lafayette St., NY, NY 10012